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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

JULIA THERESE SMITH,

Defendant and Appellant.

A156499

(Humboldt County
Super. Ct. No. CR1202382)

Defendant Julia Therese Smith appeals the judgment entered following her admitted violation of probation and sentencing. Appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 requesting that we conduct an independent review of the record. Defendant was informed of her right to file a supplemental brief and did not file such a brief. Having independently reviewed the record, we conclude there are no issues that require further briefing. Accordingly, we affirm the judgment.

Background

In July 2012, defendant pled guilty to one count of corporal injury to a cohabitant (Pen. Code¹ § 273.5, subd. (a)) and admitted a prior conviction for domestic battery (§§ 243, subd. (e)(1), 273.5, subd. (e)(1)). The trial court suspended imposition of sentence and placed defendant on probation for a period of three years with various conditions of probation, including that she “successfully complete a one-year . . . batterer’s intervention program, at her own expense, pursuant to Section 1203.097(a)(6).”

¹ All statutory references are to the Penal Code unless otherwise noted.

Defendant's probationary period was extended on three occasions based in part on her failure to complete an approved batter's intervention program (BIP program). Most recently, in July 2017, the trial court extended defendant's probation until October 6, 2019.

On June 15, 2018, the probation department filed the present petition to revoke defendant's probation. The petition alleges that defendant could not successfully complete the BIP program required by the terms of her probation because defendant was no longer allowed to enroll in "the one and only program in the area offering a women's group," as she had "exceeded the number of times allowed to enroll." The petition further stated that defendant had recently started an online "non-certified" batterer's treatment program through "Tele-Med" but had stopped participating in the program as of June 5, 2018.

Pursuant to a negotiated resolution, defendant admitted the probation violation and the trial court terminated probation. The court imposed a sentence of two years in prison with credit for two years time served and ordered defendant to report to the probation department to initiate post-release supervision.

Defendant timely filed a notice of appeal challenging the validity of her admission. She submitted a request for a certificate of probable cause that reads as follows: "I, Julia Smith, am requesting this appeal for [¶] (A) original police report was false. Victim had a seizure due to alcohol. I was assisting as a first responder. [C]urrent bench guideline amended to say if a first responder assists a victim, and [the] other party is injured, neither party cannot [*sic*] be sued. [¶] (B) BIP program . . . did not allow me to continue. Judge gave me permission to seek online (approved by state guidelines) program. [¶] (C) Had requested earlier [i]n 2013 to change my plea but original attorney retired. [¶] (D) Had enrolled in online BIP program but probation officer wanted to seek . . . clarity from judge on permission or proper authority. [¶] (E) I admitted violation of probation but under duress from being in jail of no fault of my own of missing a court date. Paper work given to me by court said December 5, 2018." The trial court granted the request for probable cause as to the final ground only.

Discussion

With regard to defendant's claim that she admitted the probation violation under duress, we note that the record establishes that defendant was represented by counsel at the time of her admission and that prior to accepting her admission, the court advised defendant of her constitutional rights and confirmed the voluntariness of her admission. The fact that defendant was in custody when she entered her plea did not render her admission involuntary. "Nothing in the record indicates [defendant] was under any more or less pressure than every other defendant faced with serious felony charges and the offer of a plea bargain." (*People v. Huricks* (1995) 32 Cal.App.4th 1201, 1208.)

The other grounds referenced in defendant's request for a certificate of probable cause are beyond the permissible scope of the appeal because the trial court denied the certificate of probable cause on those grounds. (*People v. Castelan* (1995) 32 Cal.App.4th 1185, 1188 [denial of a certificate of probable cause is reviewable only by timely petition for a writ of mandate].)

Our review of the record shows that defendant received the benefit of her bargain. Consistent with the agreement, defendant was sentenced to time-served and ordered released from custody.

Competent counsel has represented defendant throughout the proceedings.

Disposition

The judgment is affirmed.

POLLAK, P. J.

WE CONCUR:

TUCHER, J.

BROWN, J.